

MINUTES OF THE REGULAR NORWALK CITY COUNCIL MEETING ON 8-20-15
(unabridged version)

Mayor Pro Tem Isley called the City Council meeting to order at 6:02 p.m. Present at roll call: Eric Delker and Tom Greteman. Absent at roll call: Kyle Jackson and Jaki Livingston. (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Ron Downing, Police Sergeant; Dustin Huston, Fire Chief; Nancy Kuehl, Parks and Recreation Director; Jamie Loffredo, Deputy City Clerk; Holly Sealine; Director of Library Services; Wade Wagoner, Planning and Economic Development Director and Jim Dougherty, City Attorney.

Mayor Pro Tem Isley announced items 7, 8, 9, 11, 12 and 18 were removed from the agenda. Item 15 has been requested to be discussed earlier in the meeting and is moved up to immediately follow the consent agenda.

15-146 Delker moved, Greteman seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

Presentation

Jon Conzett, Calhoun Burns and Associates, told council that his firm specializes in bridge inspections and have been providing those services since 2009. The Department of Transportation is charged with monitoring bridge inspections statewide. Calhoun Burns was contracted to inspect four bridges for Norwalk. The inspection reports were included in the council packet; and, with the exception of the 50th Avenue bridge, the structures are in *good* condition or better.

Regarding the 50th Avenue bridge, the deck has a *poor* condition rating. This bridge has been cracking and deteriorating and has a rating of 4 out of 9 possible. Oliver noted that this repair is in the current fiscal year capital improvement plan and is budgeted. Conzett said design is underway and it will be offered for construction bids next calendar year. Isley asked if complete repair to bring the deck and the structure to a satisfactory point is scheduled. Conzett said they are focusing on the deck and the deck ends and it would likely move to a satisfactory condition of a "6" rating.

Welcome of Guests and Public Comment

With no one present wishing to speak, Isley opened the business portion of the meeting.

15-147 Delker moved, Greteman seconded, to approve **minutes** of the August 6th regular council meeting. Voice vote carried unanimously.

Consent included **tax abatement** applications; **Resolution 0820-15-073** approving Warrior Run Estates Plat 1; **Resolution 0820-15-074** authorizing disposal of city property at the library; 2015 bridge inspection **reports**; monthly department reports and **expenditures**:

ADVENTURE LIGHTING	SUPPLIES	\$105.30	MENARDS	DECORATIONS	\$180.46
AGRIVISION	EQUIPMENT	\$75.64	MENARDS	ROD	\$426.91
ASI	SUPPLIES	\$52.50	METRO WASTE	COMPOST IT	\$240.00
BARCO MUNI PROD	SIGNS	\$786.56	MID IA SOLID WASTE	TYMCO SWEEP	\$214.66
BROWN EQUIP	XMARK MOWER	\$67.02	MIDWEST K-9	BOARDING	\$180.00
BUSHMAN EXCAV	CRUSHING	\$12,183.75	MIKE MYER SVCS	ABATEMENT	\$120.00
CALHOUN BURNS	INSPECTION	\$700.00	MOLLY DAVIS	REFUND	\$51.00
CARPENTER UNIFORM	UNIF ALLOW	\$1,363.32	MPS ENGINEERS PC	HOLLY DR	\$175,617.45
HARVEY'S	WATER DEPT	\$2,463.27	NANCY KUEHL	REIMBURSE	\$58.23
CITY BRAKE	VEH REPAIR	\$316.00	NFPA	EDU/TRAINING	\$302.45
COMPLETE PLUMBING	ADDITION	\$135.15	N WAR TOWN & CTY	PUBLICATION	\$111.60
CONTRACT SPECIALTY	SUPPLIES	\$540.00	NORWALK HARDWARE	SUPPLIES	\$1,028.89
CONTROL INSTALLATIONS	TELECOM REPAIR	\$1,288.88	NORWALK READY MIX	CEDAR ST	\$5,366.50
CREATIVE PRODUCT	DARE	\$138.46	O'HALLORAN INTL	TRUCK 1041	\$73.35
D HAUPTMAN CO	SUPPLIES	\$360.00	PEAK SOFTWARE SYS	SERVICES	\$1,318.00
DAVIS EQUIPMENT	PARTS	\$386.64	PEEK SALES & SERVICE	CYCLONE RAKE	\$459.35
DELAGE LANDEN	COPIER LEASE	\$681.38	PEGLOW ART & DESIGN	BASE MAP	\$1,250.00
DM WATER WORKS	DMWW	\$41,541.75	PEPSI-COLA	SUPPLIES	\$453.33
ELECTRIC PUMP	SUPPLIES	\$1,977.80	PLUMB SUPPLY	WATER FOUNTAIN	\$16.67
EXCEL MECHANICAL	BLDG REPAIR	\$1,036.00	POOL TECH	SUPPLIES	\$33.97
FELD FIRE	VEH REPAIR	\$3,897.20	REASONER'S GARAGE	KUHN MOWER	\$110.12
FREEDOM TIRE	VEH REPAIR	\$625.76	REGISTER MEDIA	PUBLICATION	\$99.34
GREGG YOUNG	TAHOE REPAIR	\$661.52	SAMS CLUB	CONCESSION	\$993.01
HEARTLAND TECH	COMPUTER EQUIP	\$1,004.00	SCHWAN'S SALES	CONCESSIONS	\$152.69
INDIANOLA FIRE	INVOICE	\$980.00	SCOTTS FOODS	SUPPLIES	\$22.49
INDOFF INC	OFC SUPPLIES	\$111.43	SECURITY EQUIP	CAMERA REPAIR	\$477.00
INTL INSTITUTE	DUES	\$180.00	SHERWIN WILLIAMS	HYDRANT PAINT	\$884.47
IA LAW ENF ACADEMY	5 STAR TRAIN	\$550.00	SHRED IT	ON SITE SVC	\$57.94
IA WINDOW SERVICE	BLDG MAINT	\$85.00	SIMPLEX GRINNELL	INSPECTION	\$950.60
JIMS JOHNS	MCANINCH PARK	\$400.00	STAR EQUIPMENT	EQUIP	\$719.55
JO SNYDER	REIMBURSE	\$400.00	TERMINIX	PEST CONTROL	\$64.00
JODI EDDLEMAN	REIMBURSE	\$91.01	GREATER DM PARTNER	INV 2017	\$5,000.00
KABEL BUSINESS SVCS	HRA	\$3,875.76	THRASHER SERVICE	POOL REPAIR	\$1,710.00
KYLE KOPCA	REFUND	\$51.00	TRUE VALUE	HYDRANT REPAIR	\$116.88
LANDS END BUSINESS	UNIF ALLOW	\$150.00	U SELECT IT	SUBSCRIPTIONS	\$1,200.00
LARUE DISTRIBUTING	COFFEE SVC	\$131.97	UNITYPOINT HEALTH	PRE EMPLOY	\$285.60
LISA MEENDERING	REFUND	\$20.00	USA BLUE BOOK	SUPPLIES	\$338.51
LIVING MAGAZINE	PUBLICATION	\$999.00	VEENSTRA & KIMM	ENG SERVICE	\$21,604.52
MAD SCIENCE	CLASSES	\$2,740.00	ZIEGLER INC.	BATTERY	\$401.40
MATHESON TRI-GAS	SUPPLIES	\$186.93			

15-148 Motion by Greteman, Delker seconded, to approve **consent** agenda passed unanimously, RC.

Legacy Retention Pond

Caleb Smith, McClure Engineering, said when contractors went out to cut the notch in the weir, the property owner had concerns about the effect the notch will have on the golf course and asked to refrain from this modification. So, McClure conducted an as-built topography of the pond and presented it to city staff and city engineers for review. The study showed the basin currently has 106% of the capacity needed according to the standards at the time Legacy Development was built. Smith said he is confident it is operating upstream better than what it was and added that the notch would add very little benefit to the properties.

Greteman said he thinks there is a lesson to be learned here. Hubbell developed 310 acres that drain into this pond and there is an additional 800 acres from

unabated property to flow to this basin. Something he thinks should never happen again is that the storm water retention pond was sold to a third party, private owner, prior to the development being completed. He feels the developer should retain ownership and control the storm water until building is complete.

Greteman then asked the golf course owner, Matt Manning, if the city has his word that he will not modify the weir again. Manning said yes.

Council member Livingston joined the meeting.

Greteman said he is prepared to let his objection, to approving any further plats until the recommended notch is completed drop; as long as, he has the owner's word that he will not modify the weir. He feels that until the 800 hundred acres coming in from the west is developed, there is not a great deal more that can be done.

Manning asked who would be responsible in the future for dredging it. Greteman said he would think it would be the owner of the pond. The city would require that the pond keep operating at 100% of what it is supposed to do.

Bob Veenstra, Veenstra and Kimm, said last fall they requested Hubbell provide an easement to the city that provided the city with the ability to enforce maintenance of the retention pond. He believes this was received in October 2014.

Manning asked if it would be his responsibility to police the silt coming in to the pond. Livingston said that it is the developers responsibility to control silt until development is complete. Smith agreed.

Livingston asked what affect approving the next plats would have on this detention basin. McClure said the next plats will maximize the developed area that was planned to drain into the pond and the pond is ready for that development to occur. Livingston confirmed that is with or without the notch in the weir and McClure said that is correct.

Council consensus is to give staff direction to move forward with additional plats.

Paving of Orchard Hills Drive to Wright Road

Jim Campney, 1444 NW 124th Court in Clive, is the owner/developer of the Norwalk Orchard View development. He said that he wanted to introduce himself to council and let them know that he is available if they have any

questions. He will be resubmitting information to include this paving project as part of this development.

15-149 Motion by Livingston, Greteman seconded, to **adopt Resolution 0820-15-075 authorizing staff to direct work for paving of Orchard Hills Drive connection to Wright Road** passed unanimously, RC.

Cumming EMS and Fire Service agreement

15-150 Motion by Livingston, Delker seconded, to **adopt Resolution 0820-15-076 authorizing a 28E agreement between the City of Norwalk and the City of Cumming regarding EMS/Fire service** passed unanimously, RC.

Colonial Parkway Storm Sewer Improvements

Oliver explained this is part of the Loffredo project to direct storm water toward the planned detention pond area.

Greteman questioned why this is being approved prior to the pond being built; and if the development occurs prior to pond being finished, will that exacerbate the problem to people to the north of Beardsley.

Veenstra said the pond should be constructed sooner rather than later because there will be more water headed to the north a little more quickly than it is doing now. This is the first step and the pond will be completed in the spring adding that there are two different types of contractors involved in this work, which is why this is a different contract.

Wagoner offered to show on a map where the storm water exits a pipe and flows across an outlot of the Holland property right now; and where the water will be piped to in the Colonial pond area. Wagoner added that this is the city following through on what we said we were going to do with the Loffredo storm water; and the city is addressing it now as part of the negotiations regarding the Holland PUD.

Greteman asked if Holland's had deeded the land for the pond and park to the city yet. Wagoner answered not yet.

15-151 Motion by Livingston, Greteman seconded, to **adopt Resolution 0820-15-077 approving plans, specifications, form of contract and estimate of costs for project known as Colonial Parkway Storm Sewer Improvements** passed unanimously, RC.

15-152 Motion by Greteman, Livingston seconded, to **adopt Resolution 0820-15-078 awarding contract, in an amount not to exceed \$143,012.50, to Kelly Cortum, Inc. for the project known as Colonial Parkway Storm Sewer Improvements** passed unanimously, RC.

Library Roof Replacement Project

Don Seymour, FEH Architects, presented a request from the contractor to council for approval of the schedule change postponing from October 12th to December 11th.

Greteman asked if contractor is prepared to deal with snow later. Seymour said he says that he is.

Livingston asked what if council says no to this request. Seymour said the contractor will be forced to start, but added that it is likely there will still be some delay due to contractor waiting to hear your answer to this request.

Oliver asked what the city receives for the concession. Seymour reported that the contractor said he would fix any water issues that occur in the interim free of charge. Seymour also said the contractor said that he would rather push snow off than deal with rain because it is easier to push snow off and get it dried out and weather tight.

Isley asked what if we gave him thirty days instead of sixty days for a delay and Seymour answered that he would probably say he is too busy. Greteman said Isley's suggestion is not a bad idea. Then Seymour asked if council wanted him to take that back to the contractor. Dougherty said the city could incorporate a hold harmless into the contract.

Council consensus is to direct Seymour to take his best judgment back to negotiate. Greteman said as part of a schedule change, he wants liquidated damages added to the contract and a financial benefit to the city for agreeing to post pone the work.

NCIS Update

Oliver said Hoskins usually provides this update, but he is out of town at the American Public Works Association fall meeting. She just wanted to draw council's attention to the letter that was in their information packet. The letter was sent to the contractor working on Wakonda Drive and to the bonding company putting them on notice that the project is behind schedule.

Reports

Wagoner pointed out the laminated maps placed on the dais and said if council has any ideas for other maps, please let him know.

Kuehl provided council information about revenues from tournaments held at the complex this year. She also stated the pool closes in three days and that the dog swim has been separated into two days; one for small dogs and one for large dogs.

Sealine said that the movie Back to the Future goes to a date in October, 2015 and the library will host a Back to the Future party.

Livingston said the Norwalk Student Education Foundation will host a dinner date night on October 24th.

Isley mentioned the work session scheduled for next Thursday, August 27th at 5:30 p.m.

15-153 Greteman moved, Delker seconded, to **adjourn** meeting at 7:06 p.m. Voice vote carried unanimously.

Erika Isley, Mayor Pro Tem

Attest:

Jamie Loffredo, Deputy City Clerk